

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 2-18, 20 and 23-24 are pending in the present application. Claims 2, 7, and 11 are the independent claims.

Claims 2, 7, 13, 14, and 34 have been amended. No new matter is believed to have been added.

Claims 2-6, 13, 14, and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. While not conceding the propriety of this rejection, and solely to expedite prosecution, Applicant as amended independent claim 2 in the manner kindly suggested by the Examiner and has also amended claims 13, 14, and 34 in view of the Examiner's comments. Applicant respectfully submits that these amendments traverse each ground of rejection under 35 U.S.C. § 112.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112 are respectfully requested.

Claims 2-4, 6-7, and 9-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2002/006289 (Takami et al.) in view of U.S. Patent No 6,292,636 (Kwon). Claims 2-18, 20, and 23-34 stand rejected under 35 U.S.C. § 103 as being unpatentable over the conventional image forming machine illustrated in FIG. 1 (the conventional image forming machine) in view of U.S. Patent No 6,292,636 (Kwon). All rejections are respectfully traversed.

Independent claim 2 recites, inter alia, a third lever ... weighing more than a combined weight of a first and a second lever

Independent claim 7 recites, inter alia, that a third lever ... is heavier than the combined weight of the first and second levers....

Independent claim 11 recites, inter alia, that a third lever is heavier than a combined weight of a first lever and a second lever....

None of the asserted citations, alone or in combination, teach or suggest at least the aforementioned features of independent claims 2, 7, and 11. Accordingly, without conceding the propriety of the asserted combinations, it is respectfully submitted that the asserted

combinations are likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The first primary citation to Takami et al. relates to an image forming apparatus. Acknowledging the absence of a disclosure of features of an actuator, the Office Action relies on the secondary citation to Kwon to provide this necessary disclosure. (Office Action, page 4). Also, the Office Action concedes that the second primary citation to the conventional image forming machine does not disclose an actuator as claimed. (Office Action, page 13). Here again, the Office relies on the secondary citation to Kwon.

The secondary citation to Kwon relates to a paper detecting apparatus of an electrophotographic processor and discusses a paper detecting apparatus that includes first and second respective actuators (20 and 30).

The Office Action characterizes a part of the second actuator as a first lever, another part of the second actuator as a second lever, and the first actuator as a third lever. (Office Action, pages 5 and 11). And, without identifying support, contends that this alleged third lever weighs more than the alleged first and second levers. This latter contention is respectfully traversed.

A review of Kwon reveals that Kwon is silent as the respective weights of the first and second actuators. Kwon is also silent as to the relative weights of these actuators. Thus, the absence of any identification of support in the Office Action, for the contention that Kwon discloses that the first actuator 20 weighs more than the second actuator 30 is not surprising. In sum, Kwon does not support the Office's contention and fails to remedy the acknowledged deficiencies in the primary citations to Takami et al. and the conventional image forming machines.

Accordingly, reconsideration and withdrawal of the rejections of independent claims 2, 7, and 11 under 35 U.S.C. § 103 are respectfully requested.

In the event that the Office maintains these rejections, Applicants respectfully request, in the interests of compact prosecution, that the Office identify on the record and with sufficient specificity to support a prima facie case, where in Kwon the aforementioned features of independent claims 2 and 7 can be found, as the Office is expressly required to do.

Lastly, it is noted that the Office appear to imply that various expressly recited features may not have been given full patentable weight because they were considered "conditional limitations that need not ever occur." Applicants firstly submit that such an interpretation of the

claims would be contrary to the instructions of the Manual of Patent Examining Procedure (MPEP). Indeed, MPEP § 2143.03 expressly instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” and that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” And, it is noted that the Office interestingly omits any support for this curious interpretation of the claims. Secondly, the Office’s characterization of the subject features of the claims as “conditional” is incorrect. The subject features, bolded in the Office Action for clarity, are express functional features that define how structures recited by the claims operate. To follow the Office’s logic, a recitation of “a spring to bias a widget upward when the spring is compressed” would be anticipated by any spring, regardless of function. Such a result is in error.

In the interest of compact prosecution, in the event that the Office chooses to maintain this claim interpretation, Applicants respectfully request that the Office identify on the record legal support for its position, which support is not distinguishable on facts.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

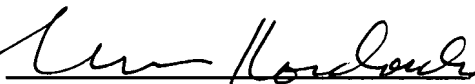
There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 8-29-07

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